



November 22, 2022

Via ECF

Hon. Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: *Johnson v. Everyrealm, Inc. et al.*, No. 1:22-cv-06669
Request for Deadline to File Motion for Leave to File Amicus Brief

Dear Judge Engelmayer:

Public Justice is a nonprofit legal advocacy organization tackling systemic threats to justice, including abusive corporate power and predatory practices that harm American workers. For decades, Public Justice has been at the forefront of fighting abuses of mandatory pre-dispute arbitration provisions in adhesive contracts, and it advocated for the passage of the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021 (EFASASHA) at issue in this case. Even before the Act passed, Public Justice attorneys represented victims of sexual harassment and assault in invalidating predatory and one-sided arbitration agreements, and it has amassed a deep well of knowledge in the use of forced arbitration as a means to silence workers who speak out about abuse.¹

This case raises a number of important issues of first impression in the nation about interpretation of EFASASHA, including the definition of a “sexual harassment dispute” and when a claim “relates to” such a dispute. As an organization with expertise in forced arbitration and first-hand knowledge of the legislative history of EFASASHA, Public Justice has a strong interest in ensuring that the issues in front of the Court are resolved in a manner that is consistent with the history and text of the statute while also providing robust protections for the rights of vulnerable workers.

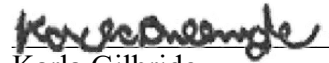
As a result, Public Justice would like to file an amicus brief in this matter in support of Plaintiffs. The brief would be filed on Public Justice’s own behalf and on behalf of other organizations—including the National Women’s Law Center and the American Association for Justice—that are experts in forced arbitration and sexual harassment and assault claims and are knowledgeable about the history of EFASASHA.

¹ See Karla Gilbride, “Survivors of Sexual Assault and Harassment Deserve the Option of a Day in Court: and so do All Workers and Small Businesses Harmed by Corporate Misconduct,” <https://www.publicjustice.net/ending-forced-arbitration-of-sexual-assault-and-sexual-harassment-act-of-2021-blog/>.

Unfortunately, Public Justice learned of this case only very recently, and its attorneys will need time to carefully review the facts and issues in this case and draft an amicus brief. As a result, Public Justice requests that the Court set a deadline of December 23, 2022 to file a motion for leave to file an amicus brief and proposed brief. Alternatively, if the Court wishes to treat this letter as a motion for leave to file the brief, Public Justice requests that the Court set a December 23 deadline for filing the brief. Public Justice would consent to an extension of Defendants' reply deadline to January 6, 2022 to allow them to reply to the amicus brief (and to accommodate the holidays). Plaintiff's counsel has indicated that Plaintiff consents to the December 23 amicus brief deadline and to the corresponding extension for Defendants' reply. Public Justice has contacted Defendants' counsel regarding their consent to the amicus brief deadline and the extension of the reply deadline, but has not received an answer as to their consent to either proposal.

Because this case raises consequential questions of first impression and because Public Justice and other organizations involved in advocating for EFASASHA can provide important context for answering those questions, Public Justice respectfully requests that the Court set a deadline of December 23, 2022 for it to file an amicus brief, along with any contemporaneous motion the Court requires.

Respectfully Submitted,



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